



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/635,908
Applicant : Reinier LH Bolhuis *et al.*
Filed : August 7, 2003
TC/A.U. : 1643
Examiner : Parithosh K. Tungaturthi

Docket No. : 2923-552
Customer No. : 6449
Confirmation No. : 7844

DECLARATION


Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sven Warnaar, declare as follows.

1. I am one of the listed coinventors of a U.S. patent application, serial number 10/470,940, which claims a hybridoma cell producing G250 monoclonal antibody. I am also listed as one of the two coinventors for a PCT publication WO 88/08854 with Egbert Oosterwijk.

2. I understand that the U.S. patent application 10/635,908 was rejected based on the reference to a hybridoma cell producing G250 monoclonal antibody in two publications (Weijtens et al, J of Immunology 157: 836-43 (1996) and Oosterwijk et al, WO 88/08854 (1998)). However, I do not find any indication of public deposition of the hybridoma cells in the two publications. It is my opinion that, without such deposition, one skilled in the art would not have been able to create the hybridoma cell producing

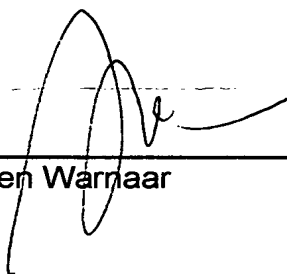
 19 Dec 2006

Declaration of Sven Warnaar

G250 monoclonal antibody from the reference to the hybridoma cell in the two publications by February 7, 2001.

3. Rather, the hybridoma cell used and described in the Weijtens publication was provided by me under confidentiality agreements that strictly restricted the use, disclosure and distribution thereof to the approval by me and bound the authors of the Weijtens reference to an obligation not to distribute the hybridoma cell to third parties without my written approval. Thus, I confirm that the hybridoma cells producing G250 monoclonal antibody mentioned in the Weijtens and Oosterwijk references were not publicly available prior to February 7, 2001.

4. I state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Sven Warnaar

19 Dec 2006

Date